

**CERTAIN COMMUNICATIONS REGARDING THE
APPOINTMENT OR CONDUCT OF CERTAIN APPRAISAL
REVIEW BOARD MEMBERS; AMENDING PROVISIONS
SUBJECT TO A CRIMINAL PENALTY**

CHAPTER 1204

S.B. No. 1468

AN ACT

**relating to certain communications regarding the appointment or conduct of certain
appraisal review board members; amending provisions subject to a criminal penalty.**

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 6.41(i), Tax Code, is amended to read as follows:

(i) This subsection applies only to an appraisal district described by Subsection (d–1). A chief appraiser or another employee or agent of the appraisal district, a member of the appraisal review board for the appraisal district, a member of the board of directors of the appraisal district, a property tax consultant, or an agent of a property owner commits an offense if the person communicates with the local administrative district judge regarding the appointment of appraisal review board members. This subsection does not apply to:

(1) a communication between a member of the appraisal review board and the local administrative district judge regarding the member's reappointment to the board;

(2) a communication between the taxpayer liaison officer for the appraisal district and the local administrative district judge in the course of the performance of the officer's clerical duties so long as the officer does not offer an opinion or comment regarding the appointment of appraisal review board members; ~~or~~

(3) a communication between a chief appraiser or another employee or agent of the appraisal district, a member of the appraisal review board for the appraisal district, or a member of the board of directors of the appraisal district and the local administrative district judge regarding information *relating to or* described by Subsection (d–1), (d–5), *or* (f) of this section or Section 411.1296, Government Code; *or*

(4) *a communication between a property tax consultant or a property owner or an agent of the property owner and the taxpayer liaison officer for the appraisal district regarding information relating to or described by Subsection (f). The taxpayer liaison officer for the appraisal district shall report the contents of the communication relating to or described by Subsection (f) to the local administrative district judge.*

SECTION 2. This Act takes effect September 1, 2015.

Passed the Senate on May 5, 2015: Yeas 31, Nays 0; passed the House on May 27, 2015: Yeas 142, Nays 2, two present not voting.

Approved June 19, 2015.

Effective September 1, 2015.

**REDESIGNATION OF VETERANS COURT PROGRAMS AS
VETERANS TREATMENT COURT PROGRAMS AND THE
ELIGIBILITY FOR PARTICIPATION IN AND
ADMINISTRATION OF THOSE PROGRAMS**

CHAPTER 1205

S.B. No. 1474

AN ACT

relating to the redesignation of veterans court programs as veterans treatment court programs and the eligibility for participation in and administration of those programs.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The heading to Chapter 124, Government Code, is amended to read as follows:

CHAPTER 124. VETERANS TREATMENT COURT PROGRAM

SECTION 2. Section 124.001, Government Code, is amended to read as follows:

Sec. 124.001. VETERANS TREATMENT COURT PROGRAM DEFINED; PROCEDURES FOR CERTAIN DEFENDANTS. (a) In this chapter, "veterans treatment court program" means a program that has the following essential characteristics:

- (1) the integration of services in the processing of cases in the judicial system;
- (2) the use of a nonadversarial approach involving prosecutors and defense attorneys to promote public safety and to protect the due process rights of program participants;
- (3) early identification and prompt placement of eligible participants in the program;
- (4) access to a continuum of alcohol, controlled substance, mental health, and other related treatment and rehabilitative services;
- (5) careful monitoring of treatment and services provided to program participants;
- (6) a coordinated strategy to govern program responses to participants' compliance;
- (7) ongoing judicial interaction with program participants;
- (8) monitoring and evaluation of program goals and effectiveness;
- (9) continuing interdisciplinary education to promote effective program planning, implementation, and operations; and
- (10) development of partnerships with public agencies and community organizations, including the United States Department of Veterans Affairs.

(b) If a defendant successfully completes a veterans treatment court program ~~[as authorized under Section 76.011]~~, after notice to the attorney representing the state and a hearing in the veterans treatment court at which that court determines that a dismissal is in the best interest of justice, the court in which the criminal case is pending shall dismiss the case ~~[criminal action]~~ against the defendant.

SECTION 3. Section 124.002, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) The commissioners court of a county may establish a veterans treatment court program for persons arrested for or charged with any misdemeanor or felony offense. A defendant is eligible to participate in a veterans treatment court program established under this chapter only if the attorney representing the state consents to the defendant's participation in the program and if the court in which the criminal case is pending finds that the defendant[-

~~(1)]~~ is a veteran or current member of the United States armed forces, including a member of the reserves, national guard, or state guard, *who*:

~~(1) [-and (2)]~~ suffers from a brain injury, mental illness, or mental disorder, including post-traumatic stress disorder, *or was a victim of military sexual trauma* that:

(A) *occurred during or resulted from the defendant's military service* ~~[in a combat zone or other similar hazardous duty area]~~; and

(B) ~~[materially]~~ affected the defendant's criminal conduct at issue in the case; *or*

(2) is a defendant whose participation in a veterans treatment court program, considering the circumstances of the defendant's conduct, personal and social background, and criminal history, is likely to achieve the objective of ensuring public

safety through rehabilitation of the veteran in the manner provided by Section 1.02(1), Penal Code.

(b) The court in which the criminal case is pending shall allow an eligible defendant to choose whether to proceed through the veterans *treatment* court program or otherwise through the criminal justice system.

(d) *In this section, "military sexual trauma" means any sexual assault or sexual harassment that occurs while the victim is a member of the United States armed forces performing the person's regular duties.*

SECTION 4. The heading to Section 124.003, Government Code, is amended to read as follows:

Sec. 124.003. DUTIES OF VETERANS *TREATMENT* COURT PROGRAM.

SECTION 5. Section 124.003, Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) A veterans *treatment* court program established under this chapter must:

(1) ensure *that a defendant* [person] eligible for *participation in* the program is provided legal counsel before volunteering to proceed through the program and while participating in the program;

(2) allow a participant to withdraw from the program at any time before a trial on the merits has been initiated;

(3) provide a participant with a court-ordered individualized treatment plan indicating the services that will be provided to the participant; and

(4) ensure that the jurisdiction of the veterans *treatment* court continues for a period of not less than six months but does not continue beyond the period of community supervision for the offense charged.

(b) A veterans *treatment* court program established under this chapter shall make, establish, and publish local procedures to ensure maximum participation of eligible defendants in the county or counties in which those defendants reside.

(b-1) *A veterans treatment court program may allow a participant to comply with the participant's court-ordered individualized treatment plan or to fulfill certain other court obligations through the use of videoconferencing software or other Internet-based communications.*

SECTION 6. Section 124.004, Government Code, is amended to read as follows:

Sec. 124.004. ESTABLISHMENT OF REGIONAL PROGRAM. (a) The commissioners courts of two or more counties may elect to establish a regional veterans *treatment* court program under this chapter for the participating counties.

(b) For purposes of this chapter, each county that elects to establish a regional veterans *treatment* court program under this section is considered to have established the program and is entitled to retain fees under Article 102.0178, Code of Criminal Procedure, in the same manner as if the county had established a veterans *treatment* court program without participating in a regional program.

SECTION 7. Section 124.005(a), Government Code, is amended to read as follows:

(a) A veterans *treatment* court program established under this chapter may collect from a participant in the program:

(1) a reasonable program fee not to exceed \$1,000; and

(2) a testing, counseling, and treatment fee in an amount necessary to cover the costs of any testing, counseling, or treatment performed or provided under the program.

SECTION 8. Chapter 124, Government Code, is amended by adding Section 124.006 to read as follows:

Sec. 124.006. COURTESY SUPERVISION. (a) *A veterans treatment court program that accepts placement of a defendant may transfer responsibility for supervising the defendant's participation in the program to another veterans treatment court program*

that is located in the county where the defendant works or resides. The defendant's supervision may be transferred under this section only with the consent of both veterans treatment court programs and the defendant.

(b) A defendant who consents to the transfer of the defendant's supervision must agree to abide by all rules, requirements, and instructions of the veterans treatment court program that accepts the transfer.

(c) If a defendant whose supervision is transferred under this section does not successfully complete the program, the veterans treatment court program supervising the defendant shall return the responsibility for the defendant's supervision to the veterans treatment court program that initiated the transfer.

(d) If a defendant is charged with an offense in a county that does not operate a veterans treatment court program, the court in which the criminal case is pending may place the defendant in a veterans treatment court program located in the county where the defendant works or resides, provided that a program is operated in that county and the defendant agrees to the placement. A defendant placed in a veterans treatment court program in accordance with this subsection must agree to abide by all rules, requirements, and instructions of the program.

SECTION 9. Section 54.976(a), Government Code, is amended to read as follows:

(a) A judge may refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving:

- (1) a negotiated plea of guilty or no contest and sentencing;
- (2) a pretrial motion;
- (3) an examining trial;
- (4) a writ of habeas corpus;
- (5) a bond forfeiture suit;
- (6) issuance of search warrants;
- (7) setting, setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;
- (8) arraignment of defendants;
- (9) a motion to increase or decrease a bond;
- (10) a motion to revoke community supervision or to proceed to an adjudication;
- (11) an issue of competency or a civil commitment under Chapter 46, 46B, or 46C, Code of Criminal Procedure, with or without a jury;
- (12) a motion to modify community supervision;
- (13) specialty court proceedings, including drug court proceedings, *veterans treatment* [veteran's] court proceedings, and driving while intoxicated court proceedings;
- (14) an expunction or a petition for nondisclosure;
- (15) an occupational driver's license;
- (16) a waiver of extradition;
- (17) the issuance of subpoenas and orders requiring the production of medical records, including records relating to mental health or substance abuse treatment; and
- (18) any other matter the judge considers necessary and proper.

SECTION 10. Section 103.0271, Government Code, is amended to read as follows:

Sec. 103.0271. ADDITIONAL MISCELLANEOUS FEES AND COSTS: GOVERNMENT CODE. Fees and costs shall be paid or collected under the Government Code as follows:

- (1) a program fee for a drug court program (Sec. 123.004, Government Code) . . . not to exceed \$1,000;
- (2) an alcohol or controlled substance testing, counseling, and treatment fee (Sec.

123.004, Government Code) . . . the amount necessary to cover the costs of testing, counseling, and treatment;

(3) a reasonable program fee for a veterans *treatment* court program (Sec. 124.005, Government Code) . . . not to exceed \$1,000; and

(4) a testing, counseling, and treatment fee for testing, counseling, or treatment performed or provided under a veterans *treatment* court program (Sec. 124.005, Government Code) . . . the amount necessary to cover the costs of testing, counseling, or treatment.

SECTION 11. Section 772.0061(a)(2), Government Code, as amended by Chapters 747 (S.B. 462) and 1167 (S.B. 484), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended to read as follows:

(2) “Specialty court” means:

(A) a prostitution prevention program established under Chapter 169A, Health and Safety Code;

(B) a family drug court program established under Chapter 122 or former law;

(C) ~~[(B)]~~ a drug court program established under Chapter 123 or former law;

(D) ~~[(C)]~~ a veterans *treatment* court program established under Chapter 124 or former law; and

(E) ~~[(D)]~~ a mental health court program established under Chapter 125 or former law.

SECTION 12. (a) The change in law made by this Act by amending Section 124.002, Government Code, applies to a person who, on or after the effective date of this Act, enters a veterans treatment court program under Chapter 124, Government Code, regardless of whether the person committed the offense for which the person enters the program before, on, or after the effective date of this Act.

(b) The change in law made by this Act in adding Section 124.006, Government Code, applies to a person who, on or after the effective date of this Act, is under the supervision of a veterans treatment court program.

SECTION 13. To the extent of any conflict, this Act prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 14. This Act takes effect September 1, 2015.

Passed the Senate on April 30, 2015: Yeas 31, Nays 0; the Senate concurred in House amendment on May 29, 2015: Yeas 31, Nays 0; passed the House, with amendment, on May 26, 2015: Yeas 140, Nays 5, three present not voting.

Approved June 19, 2015.

Effective September 1, 2015.

EDUCATIONAL NEEDS OF HOMELESS STUDENTS

CHAPTER 1206

S.B. No. 1494

AN ACT

relating to the educational needs of homeless students.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The heading to Section 25.007, Education Code, is amended to read as follows:

Sec. 25.007. **TRANSITION ASSISTANCE FOR STUDENTS WHO ARE HOMELESS OR IN SUBSTITUTE CARE.**